

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARIO MALDONADO, :  
Petitioner, :  
v. : Case No. 3:01-cv-248-KRG-KAP  
JOHN McCULLOUGH, WARDEN, :  
S.C.I. HOUTZDALE, :  
Respondent :  
:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto in accordance with the Magistrates Act, 28 U.S.C. § 636(b) (1) and (3). The Magistrate Judge filed a Report and Recommendation on December 31, 2008, docket no. 26, recommending that the petitioner's Rule 60 motion, docket no. 25, be denied.

The parties were notified that pursuant to 28 U.S.C. § 636(b) (1), they had ten days to serve and file written objections to the Report and Recommendation. Petitioner filed meritless objections, docket no. 27.

Upon de novo review of the record of this matter, the Report and Recommendation, and the timely objections thereto, the following order is entered:

AND NOW, this 27<sup>th</sup> day of January, 2009, it is  
ORDERED that petitioner's Motion for Equitable Relief,  
docket no. 25, is denied. The Report and Recommendation is adopted  
as the opinion of the Court. No certificate of appealability shall  
issue.

BY THE COURT:



KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record and by U.S. Mail to:

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